

1 FISHER & PHILLIPS LLP  
2 SCOTT M. MAHONEY, ESQ.  
3 Nevada Bar No. 1099  
4 300 S. Fourth Street  
5 Suite 1500  
6 Las Vegas, NV 89101  
Telephone: (702) 252-3131  
E-Mail Address: [smahoney@fisherphillips.com](mailto:smahoney@fisherphillips.com)  
Attorney for Defendant,  
Saks & Company LLC

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

10 CAROL INGRAM, ) Case No.: 2:21-cv-01767-JCM-VCF  
11 Plaintiff, )  
12 v. ) **DISCOVERY PLAN AND**  
13 SAKS & COMPANY LLC, a Delaware ) **SCHEDULING ORDER**  
14 limited liability company d/b/a SAKS ) **SUBMITTED IN COMPLIANCE**  
15 FIFTH AVENUE; DOES I-X and ROE ) **WITH LR 26-1(b)**  
16 ENTITIES I-X, inclusive, )  
17 Defendant. )

18 Pursuant to Federal Rules of Civil Procedure 26(f) and Local Rule 26-1, the  
19 parties through their respective counsel, submit the following proposed Discovery  
20 Plan and Scheduling Order.

1 discovery deadline. The disclosures of any rebuttal experts shall be due on or before  
2 April 4, 2022. The requirements of F.R.C.P. 26(a)(2)(B) shall apply to any such  
3 disclosures.

4 (4) Dispositive Motions. Dispositive motions shall be filed by June 3,  
5 2022, which is 30 days after the discovery cut-off date.  
6

7 (5) Pretrial Order. The Joint Pretrial Order shall be filed by July 5, 2022,  
8 which is the first court day 30 days after the dispositive motions deadline. However,  
9 in the event that dispositive motions are filed, the date for filing the Joint Pretrial  
10 Order shall be suspended until 30 days after a decision on the dispositive motions or  
11 further order of the Court. The disclosures required by Federal Rules of Civil  
12 Procedure 26(a)(3), and any objections thereto, shall be included in the Joint Pretrial  
13 Order.  
14

15 (6) Initial Disclosures. The parties will make their Initial Disclosures by  
16 December 13, 2021, with no changes in the form or requirements for such disclosures.  
17

18 (7) Discovery Subjects. The parties may conduct discovery within the  
19 scope of Federal Rules of Civil Procedure 26(b). Subject to the foregoing, discovery  
20 need not be limited or focused on particular issues or conducted in phases. The parties  
21 agree that before any discovery dispute becomes the subject of a motion filed with the  
22 Court, in addition to the meet and confer requirements imposed by the Federal Rules  
23 of Civil Procedure and local rules, the parties will request a conference with the  
24 Magistrate Judge.  
25

26 (8) Electronically Stored Information (“ESI”). The parties recognize that  
27 electronically-stored information may be involved in this matter and prefer to deal  
28 with such information on an ad hoc basis as issues may arise. The parties have  
discussed whether they intend to present evidence in electronic format to jurors for the  
FP 42360310.1

1 purpose of jury deliberations, but no stipulations have been reached at this time  
2 regarding providing discovery in an electronic format compatible with the Court's  
3 electronic jury evidence display system.

4 (9) Protection of Privileged/Trial Preparation Material. The parties prefer  
5 to handle these issues on an ad hoc basis as issues arise, but the provisions of Fed. R.  
6 Civ. P. 26(b)(5)(B) and Federal Rules of Evidence 502 shall apply.  
7

8 (10) The parties certify they have conferred about the possibility of using  
9 alternative dispute resolution processes, including mediation, arbitration and early  
10 neutral evaluation and have considered consent to trial by a magistrate judge under 28  
11 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and use of the Short Trial Program (General  
12 Order 2013-01).  
13

14 KAPLAN COTTNER

FISHER & PHILLIPS LLP

15 By: /s/ Kory L. Kaplan, Esq.  
16 850 E. Bonneville  
17 Las Vegas, Nevada 89101  
18 Attorneys for Plaintiff

By: /s/ Scott M. Mahoney, Esq.  
300 South Fourth Street #1500  
Las Vegas, Nevada 89101  
Attorneys for Defendant

19 IT IS SO ORDERED.

20   
UNITED STATES MAGISTRATE JUDGE

21 DATED: 11-23-2021